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April 8, 2013

Mr. Mark Gross
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Subject: Draft Environmental Impact Report
World Logistics Center Project
State Clearinghouse No. 2012021045

Dear Mr. Gross:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the World Logistics Center Project (Project) [State Clearinghouse No. 2012021045]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

Project Description and Geographic Setting

The Project is located within the City of Moreno Valley (City) and is bounded by State Route 60 (SR-60) to the north, Redlands Boulevard to the west, Gilman Springs Road to the east, and the San Jacinto Wildlife Area to the south. The Project involves a General Plan Amendment, new Specific Plan, Change of Zone, and Tentative Parcel Map. The Project proposes 2,635 acres of logistics land uses including up to 41.4 million square feet of high-cube logistics uses and 200,000 square feet of warehouse and related uses.

The 2,635 acre Project site is situated directly north of the approximately 20,000-acre San Jacinto Wildlife Area (SJWA) and 8,800-acres Lake Perris State Recreational Area. The Project is bordered to the north and east by the San Timoteo Badlands, which includes Regional Conservation Authorities (RCA) Multiple Species Habitat Conservation Plan (MSHCP) Badlands Plan Area

Proposed Core 3 and Norton Younglove Reserve. Several MSHCP proposed or existing linkages are associated with the SJWA and Proposed Core 3.

Biological Resources and Impacts

The CEQA document should contain sufficient, specific, and current biological information on the existing habitat and species at the Project site; measures to minimize and avoid sensitive biological resources; and mitigation measures to offset the loss of native flora and fauna and State waters. The CEQA document should not defer impact analysis and mitigation measures to future regulatory discretionary actions.

If sensitive species have the potential to occur on the Project site, species-specific surveys should be conducted using methods approved by the Department, or the CEQA document should assume the presence of the species throughout the project site. Surveys should be conducted within 12 months of circulation of the CEQA document. To assist with review, an accompanying map detailing the location of sensitive species or sensitive species habitat should also be included in the subsequent CEQA document.

The Department submitted a comment letter on the Notice of Preparation (NOP) for the DEIR on March 22, 2012. In this letter the Department recommended that the Project applicant and/or lead agency consult with the Department and land management staff from the SJWA for assistance with species occurrence information within the vicinity of the Project site, and for assistance with avoidance, minimization, and mitigation measures. Based on the Department's review of the DEIR, the biological resources section does not provide an accurate account of the species that may be affected by the Project. The Department has identified that key species were excluded from the assessment and that others were documented as having limited to no suitable habitat. The Department recommends that the DEIR be revised following consultation with Department staff.

Current biological survey data (collected between 2006 and 2013), provided by the MSHCP, documents numerous detections of species that were represented in the DEIR as being absent from the Project area or having a low potential to occur onsite due to lack of suitable habitat. Furthermore, most of the data presented in the DEIR was sourced from the California Natural Diversity Database (CNDDDB) and supplemented with incidental sightings documented during species-specific surveys. As previously recommended in the Department's NOP comment letter (March 22, 2012), the Project applicant and/or lead agency should consult with the Department to obtain species information and discuss potential Project impacts.

The DEIR does not provide a complete or accurate assessment of raptor species that use the Project site. Evaluations on the potential impacts to State fully protected Bald Eagle (*Haliaeetus leucocephalus*) and Golden Eagle (*Aquila chrysaetos*) were not conducted, despite documentation of both species occurring onsite or directly adjacent to the Project site (MSHCP 2008, 2011). The DEIR states that the American Peregrine Falcon (*Falco peregrinus anatum*), a State fully protected species, has a low potential to occur onsite, and further elaborates that they have not been recorded within 7 miles of the Project site (CNDDDB 2012). This information is incorrect: biological surveys conducted by the MSHCP have detected the species four times within the Project area.

Several State Species of Special Concern were analyzed in the DEIR for their potential to occur within the World Logistics Center Specific Plan (WLCSP) area. The DEIR states that the Ferruginous Hawk (*Buteo regalis*), White-tailed Kite (*Elanus leucurus*), Merlin (*Falco columbarius*), Prairie Falcon (*Falco mexicanus*), and Peregrine Falcon, have only a low potential to occur onsite. Furthermore, the DEIR states that all of these species, with the exception of the Ferruginous Hawk, had not been recorded within 7 miles of the Project site (CNDDDB 2012). Contrary to the information included in the DEIR, MSHCP biologists have detected all of the aforementioned species, and the Tricolored Blackbird (*Agelaius tricolor*), another State Species of Special Concern, either within or adjacent to the WLCSP (MSHCP 2006-2012). Detections by MSHCP include: Ferruginous Hawk ($n = 22$ detections), White-tailed Kite ($n = 14$), Merlin ($n = 3$), Prairie Falcon ($n = 6$), and Peregrine Falcon ($n = 4$).

The DEIR recognizes only "marginally suitable" foraging habitat for Loggerhead Shrike (*Lanius ludovicianus*), California Horned Lark (*Eremophila alpestris actia*), Ferruginous Hawk, Merlin, Prairie Falcon, and Burrowing Owl (*Athene cunicularia* [BUOW]). However, based solely on the diversity of species found utilizing the Project area (recorded from biological surveys conducted by the MSHCP, and observations by SJWA land management staff) the habitat is not marginal. The biological resources section does not provide an accurate account of the species that have been documented on the site, or the quality of the habitat that will be impacted by the project. The Department recommends the Project applicant and/or lead agency consult with the Department to accurately identify species occurrences in the vicinity of the Project site, assess the quality of the foraging habitat, and identify avoidance, minimization, and mitigation measures. The Department recommends the DEIR be revised following consultation with Department staff.

The DEIR states that State-threatened Stephens' kangaroo rat (*Dipodomys stephensi*) has a low to moderate potential to occur within the World Logistics Center Planning Area, although the "species may range through the general area." The document also claims that there is limited suitable habitat for San Diego jackrabbit (*Lepus californicus bennettii*) and Los Angeles pocket mouse

(*Perognathus longimembris brevinasus* [LAPM]), both State Species of Special Concern. However, surveys by the MSHCP detected two (2) San Diego jackrabbit (within 400 meters and 800 meters of the Project area), and multiple Stephens' kangaroo rat (SKR) within 250 meters of the Project area boundary.

The Department is concerned with the results of the focused surveys for Los Angeles pocket mouse included in the DEIR. Specifically, the survey results document the capture of two (2) long-tailed pocket mice (*Chaetodipus formosus*) in 2005, and four (4) in 2010; and 87 desert pocket mice (*Chaetodipus penicillatus*) in 2010. The Department questions the accuracy of the identifications as these occurrences are outside of the documented distribution range for these species, and neither species have been trapped by MSHCP biologists who perform regular small mammal trapping surveys within the general area. Because the Department has considerable concern regarding the accuracy of these identifications, the Department requests that new surveys be conducted under the supervision of trained small-mammal biologists.

The CEQA document analyzed the potential for California Native Plant Society (CNPS) listed plant species to occur onsite. The DEIR states that no evidence of any CNPS-listed plant species was found onsite, and also concluded that no suitable habitat for CNPS-listed plant species occurs within the Project area. These findings are in contrast to biological surveys performed by the MSHCP that have verified the presence of an individual Coulter's goldfield (*Lasthenia glabrata coulteri*) immediately south of the Project, and much less than the stated 2-mile distance.

Foraging habitat

In the Department's opinion, the DEIR has underestimated the relative level of impacts to foraging habitat associated with development of the Project. The Department is also of the opinion that the value of foraging habitat within the Project area has been grossly underestimated. The DEIR states that there is, "*marginal foraging habitat for some raptor species*" and that "*an adverse but not significant impact to raptor foraging habitat is anticipated.*" As stated previously, the following species have been documented on or adjacent to the Project area: Bald Eagle, Golden Eagle, Osprey, White-tailed Kite, Ferruginous Hawk, Peregrine Falcon, Prairie Falcon, BUOW, Merlin, Barn Owl, Short-eared Owl, Red-shouldered Hawk, and American Kestrel. The diversity of raptor species documented to use the WLCSP area provides abundant evidence of the local and potential regional value of the site as foraging habitat. The Department strongly recommends that the DEIR be revised to include results of additional studies, and that the Lead Agency consult with the MSHCP and land managers at the SJWA, Mystic Lake, and Lake Perris, to identify and assess potential impacts to species and habitats that may have been excluded in prior

assessments. The revised DEIR should also identify appropriate mitigation measures to offset the loss of foraging habitat.

The DEIR states that Mitigation Measure 4.2.6.1A *"will help maintain raptor and other bird foraging until the WLCSP property is developed."* Additionally, the DEIR anticipates that *"the State would maintain its [CDFW Conservation Buffer Area] function as a buffer and also as foraging habitat for raptors..."* Aside from the temporary measure listed above, and a reliance on the State-owned wildlife area to provide for and maintain raptor foraging habitat, the DEIR fails to propose mitigation measures to offset the permanent loss of foraging habitat. The State-owned SJWA open space areas cannot be used to mitigate the permanent loss of foraging habitat resulting from development of the proposed Project. The revised DEIR should clearly identify impacts to foraging habitat and provide an appropriate mitigation plan to offset the losses.

Natural Community Conservation Program (NCCP)

The Department is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and candidate plant and animal species, pursuant to the CESA, and administers the Natural Community Conservation Plan (NCCP) Program. Within the Inland Deserts Region, the Department-issued NCCP Approval and Take Authorization for the Western Riverside County MSHCP per Section 2800, *et seq.*, of the California Fish and Game Code on June 22, 2004. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit.

Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements. To obtain additional information regarding the MSHCP please go to:
<http://www.rctlma.org/mshcp/>.

The proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP. To be considered a covered activity, Permittees must demonstrate that proposed actions are consistent with the MSHCP and its associated Implementing Agreement. The City of Moreno Valley is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. The Project is located in subgroups D and X of the Reche Canyon/Badlands Plan Area of the MSHCP.

If the project is not processed through the MSHCP for covered species, then the project is subject to the Federal Endangered Species Act (FESA) and/or CESA for threatened, endangered, and/or candidate species. A CESA Incidental Take Permit (ITP) must be obtained if the project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the project. The Department's CESA ITP states that a project must fully minimize and mitigate impacts to State-listed resources.

Impacts to Waters of the State

Although the proposed Project is within the MSHCP, a Notification of Lake or Streambed Alteration is still required by the Department, should the site contain jurisdictional waters. Additionally, the Department's criteria for determining the presence of jurisdictional waters are more comprehensive than the MSHCP criteria in Section 6.1.2 (Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools). The Department is responsible for assessing and evaluating impacts to jurisdictional waters, which is typically accomplished through reviewing jurisdictional delineation (JD) reports, supporting information, and conducting site visits.

A JD was included with the DEIR. The Department has reviewed the JD and strongly disagrees with the jurisdictional findings and the jurisdictional conclusion. Of the 14 drainage features identified in the DEIR, only isolated portions of two (2) drainages were considered to be jurisdiction of the State. According to the JD, the remaining portions of these drainages, and the other 12 features onsite, were not considered jurisdiction of the State, "*because the drainage is ephemeral, unvegetated, provides no cover, and does not appear to [appear to] provide habitat linkage or other benefits to wildlife resources....*" The JD also includes other assumptions of non-jurisdiction, including a lack of "*streambed or any other characteristic that would otherwise define it as CDFG jurisdictional waters*" and the absence of fish and wildlife resources. A non-jurisdictional determination based on any of the characteristics stated above is incorrect. The California Water Code (CWC) defines *Waters of the State* as "*...any surface water or groundwater, including saline waters, within the boundaries of the state.*" The definition places no limitations on duration of stream flow, amount or type of vegetation, ability to provide cover, existence of connectivity to any other waterway or habitat area, or perceived lack of benefits to wildlife. The Department requests that the JD be revised using the CWC definition of Waters of the State and submitted to the Department for review. The Department recommends that the JD incorporate the drainages identified in the Hydrology and Water Quality section of the DEIR.

The Department opposes the elimination of ephemeral, intermittent, and perennial streams, channels, lakes, and their associated habitats. The Department recommends avoiding stream and riparian habitat to the greatest extent possible.

Any unavoidable impacts need to be compensated with the creation or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Lake and Streambed Alteration Agreement process may be required, depending on the quality of habitat impacted, proposed mitigation, project design, and other factors. The Department recommends submitting a Lake or Streambed Alteration notification early in project planning, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <http://www.dfg.ca.gov/habcon/1600/forms.html>.

The following information will be required for the processing of a Notification of Lake or Streambed Alteration and the Department recommends incorporating this information into the CEQA document to avoid subsequent documentation and project delays:

- 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
- 2) Discussion of avoidance and minimization measures to reduce project impacts; and,
- 3) Discussion of potential mitigation (as defined in Section 15370 of the CEQA guidelines) measures required to reduce the project impacts to a level of insignificance.

In the absence of specific mitigation measures in the CEQA document, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process are not CEQA-compliant because they deprive the public and agencies of their right to know what project impacts are and how they are being mitigated (CEQA Section 15002).

Impacts to Surrounding Lands and Associated Species

As previously stated, the Department provided comments on the NOP for this Project on March 22, 2012. The Department recommended analysis of impacts on the adjacent SJWA and species that may utilize this area. Suggested areas of analysis provided by the Department included potential impacts to species and habitats as a result of development of the Project and associated light, noise, trash, emissions, vectors, fuel management, runoff and water quality. Because the DEIR provides only minimal information pertaining to these suggested areas of analysis, the Department is unable to provide an adequate review of the potential impacts of the Project to wildlife and habitats on the adjacent SJWA. The Department requests that impacts to wildlife and habitat adjacent to the Project are thoroughly analyzed using appropriate studies to determine suitable mitigation

measures. In the absence of specific mitigation measures in the CEQA document, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources.

Wildlife Movement

The DEIR states that the Project will not restrict wildlife movement to and from the San Timoteo Badlands (Badlands) and SJWA/Mystic Lake area. As proposed, the project will abut the Badlands along portions of its northern border as well as its nearly 2-mile long eastern border at Gilman Springs Road, creating an obstruction to wildlife movement between the Badlands and open areas to the south (Existing Core H of the MSHCP, Mystic Lake, Lake Perris, and SJWA). Though a narrow connection between the Badlands and open space areas to the south are anticipated through future acquisitions within Proposed Core 3 of the MSHCP, this limited connection is conceptual and has not been finalized. The proposed Project will create a nearly 2-mile long physical barrier between the Badlands and MSHCP Proposed Core 3 to the north, and the SJWA and existing Core H to the south.

Data collected from three culvert crossings under SR-60, located just north of the Project area, has demonstrated extensive wildlife movement activities adjacent to the proposed Project. Species observed using the crossings include: bobcat, badger, coyote, deer, long-tailed weasel, black-tailed jackrabbit, and desert cottontail. Future phased development of the Project, along with associated increases in traffic, lighting, and noise, will likely directly negatively impact wildlife through direct mortality, or alter movement patterns by forcing wildlife to move east or west, away from the Project, and by precluding the ability of wildlife to use the existing culverts under SR-60. Furthermore, the project and related growth-inducing effects will likely contribute to a need for the creation of new roads, new or improved interchanges, and widening of existing roadways, such as Gilman Springs Road and SR-60. These future road improvements will result in impacts to the existing culverts that are used as wildlife crossings. The Department requests that studies be conducted to understand the potential impacts of the Project on wildlife movement within and adjacent to the Project site. Mitigation measures focusing on reducing impacts to wildlife (e.g., direct mortality) and wildlife movement within the geographic setting of the Project area should be provided, such as contributions towards wildlife crossings under Gilman Springs Road and designing low-impact solutions to widening roadways, such as SR-60, over existing wildlife crossings.

Predation effects

The Project proposes the construction of 60-foot tall buildings and installation of cottonwood trees along the southern edge of the Project area, adjacent to the SJWA. The DEIR states that the buildings will provide a benefit to raptors, as

they may be used as perching structures. However, the Department would like to point out that the provision of such perching structures may also result in increased levels of predation in open space areas adjacent to the development, including the SJWA. The Department recommends that all buildings and other potential perching structures be constructed a minimum of 250-meters away from surrounding open space areas.

Lighting

The DEIR states that night lighting may have adverse affects on a range of wildlife species. Affects include mortality due to increased predation, reduced health due to the disturbance of diurnal rhythms, and reduced clutch size, egg size, or survival of nesting birds. Although the Project intends to remain consistent with both the night lighting guidelines within the City's Municipal Codes and the City's Dark Sky Lighting Ordinance, the Department requests that additional measures be proposed to reduce or eliminate the long-term cumulative lighting impacts to the SJWA. Additionally, as some phases of the construction schedule propose the use of continuous lighting (i.e., 24-hour-per-day, 7-days-per-week) over extended periods of time, construction lighting may result in negative impacts to wildlife species. The Department requests that the DEIR be revised to include an assessment of the effects of all phases of construction lighting on adjacent habitat and associated species, and appropriate mitigation measures be incorporated to reduce or eliminate these impacts. .

Noise

The Project will produce increased noise levels that will reach the SJWA during both the construction phases of the Project and throughout the long-term operation of the facility; the DEIR states that noise levels will exceed 60 dBA roughly 1,000 feet into the SJWA during construction of the southernmost areas of Phase 2. As stated in the DEIR, increased noise levels near wildlife areas can affect mammals, birds, and other species by contributing to behavioral changes, such as increased startling of birds (especially harmful during nesting periods), changes in foraging patterns, sleep pattern disruption, and decreased overall condition/health from noise stress. Increased noise levels may also indirectly affect wildlife species by decreasing the habitat value of certain areas, resulting in decreased occupancy or use.

As estimated in the DEIR, some phases of the on-site construction schedule may occur on a continuous basis (24-hour-a-day, 7-day-per-week) and continue periodically over a nine-year period. The Department is concerned that such an extensive construction term and schedule may adversely impact species known to utilize the adjacent open space areas.

Although mitigation measures for short-term construction noise were proposed in the DEIR, the measures focus solely on human residences, and do not consider measures for the adjacent SJWA and other nearby open space areas. The Department requests that the DEIR be revised to include measures that will reduce or eliminate the potential for construction noise entering the SJWA and other open space areas.

Trash

The Project has the potential to contribute increased amounts of trash to the neighboring SJWA and other adjacent open space areas, which may result in an added burden to land management obligations. The Department recommends the Project provide a minimum 250-meter setback between the development and SJWA and other open space areas to minimize the potential for increased land management obligations. The setback area should be maintained free of trash and debris in perpetuity to ensure that the SJWA and the land management obligations of the SJWA are not adversely impacted by the development and long-term operation of the Project site.

Greenhouse Gas Emissions

The Department is committed to reducing the effects of climate change on the State's natural resources and implementing legislative requirements addressing greenhouse gas emissions. The Natural Resources Agency adopted new guidelines on December 31, 2009, requiring lead agencies to analyze greenhouse gas (GHG) emissions under section 15064.4 of the CEQA Guidelines during CEQA review. Assembly Bill 32, the California Global Warming Solutions Act, established a state goal of reducing GHG emissions to 1990 levels by the year 2020 (a reduction of approximately 25 percent from forecast emission levels). Senate Bill 97, a "companion" bill directed amendments to CEQA statutes to specifically establish that GHG emissions and their impacts are appropriate subjects for CEQA analysis. Senate Bill 375 calls on California's urban regions to develop coordinated plans for reducing GHG emissions through more efficient transportation and development patterns. Regional transportation agencies, in coordination with local governments, must now design "Sustainable Communities Strategies" (SCSs) to achieve mandated GHG emissions reduction targets from automobiles and light trucks.

The Project appears to be counter to legislative and executive efforts to reduce GHG emissions as the Project is located at a considerable distance from ports, railroads, airports, and major freeways. The Project will likely emit greenhouse gases during both pre- and post-construction from: vehicle mileage trips to the site, energy to run the facility, water supply, and landscape maintenance equipment. Furthermore, land use conversion of the Project site, from agricultural to a warehouse facility, will reduce the ability of the existing Project site to sequester

carbon. The Department recommends that the subsequent CEQA document include a quantitative analysis that includes, but is not limited to, the primary sources of GHG emissions associated with the project pre- and post-construction, including: vehicular traffic, generation of electricity, natural gas consumption/combustion, solid waste generation and water usage. An assessment of the potential direct and indirect effects of Project-associated GHGs should be provided, including the loss of open space for sequestering carbon, the extent of change in GHGs compared to the existing environmental setting, and the potential conflicts with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. The revised DEIR should include an analysis of the potential direct and indirect impacts of GHGs and appropriate mitigation should be proposed for these impacts.

Vector control

The Project area and adjacent open space lands are used by a multitude of sensitive species. Following build-out, the Project may implement a vector control plan to address vectors such as rats, mice, gophers, ground squirrels, and mosquitoes. The Department is concerned with the potential risks of primary or secondary poisoning on the wildlife species that use the adjacent open space areas. Secondary poisoning occurs when scavenging species eat dead or dying rodents that have been killed by rodenticides. Owls, hawks, other scavenging birds and predators such as raccoons, foxes, skunks and coyotes are at risk. If chemical rodenticides are necessary, the Department recommends the use of bait products that contain the ingredients chlorophacinone or diphacinone. These compounds require multiple feedings to kill rodent pests, so they pose a lower secondary poisoning risk compared to rodenticides used to control mice and rats within homes, barns or other buildings. Over-the-counter rodenticides - including many commonly known brands that contain the active ingredients brodifacoum, bromadiolone or difethialone - can only be legally used to control rats and house mice in and very close to structures. It is not legal to use these products in open areas such as pastures or fields and they should not be used adjacent to open space areas.

The Project also includes the construction of detention basins and swales to treat onsite stormwater runoff. Stormwater treatment control best management practices (BMPs) and other basins can increase potential mosquito/vector control breeding habitat. It is in the interest of the City and the Department to offer the public the highest level of protection from vectors while also protecting natural resources and reducing the use of pesticides. The Department encourages the City to use preventative planning, compatible design, and effective long-term maintenance to avoid or reduce vectors. City should refer to the California Health & Safety Code § 2000-2093 for definitions and liabilities associated with the creation of habitat conducive to vector production and to guidance provided by the local mosquito and vector control districts/agencies. Please be aware that

some vector control measures may have associated environmental impacts and require notification pursuant to the Department's Lake and Streambed Alteration Program.

Fuel Management

The DEIR references the MSHCP Fuel Management Guidelines and states that all brush management will occur entirely within the Project boundary. However, the DEIR does not provide a description of the types of proposed fuel management activities, where fuel management areas will be located, the size of the fuel management areas, or the type(s) of vegetation that will be planted, if any, within the fuel management area. The Department recommends the DEIR be revised to provide a fuel management plan that includes a detailed plant palette, proposed maintenance activities, graphics that clearly define fuel modification zones with reference to the Project development, and an assessment of current and long-term potential impacts related to the fuel management area and associated maintenance activities.

Drainage Features and Hydrology

Development and operation of the Project will alter existing hydrology and drainage patterns within the Project site, and on adjacent properties, including Mystic Lake and the SJWA. According to Figure 4.9.1 of the DEIR, five of the total six watersheds within the Project boundary eventually drain to the SJWA. Drainage from the Project area will either, *"...be directed to the regional storm drain system and away from the adjacent open space, or treated by water quality and retention basins to maintain historical runoff rates and patterns..."* All storm water runoff coming from north of SR-60 or from north of Gilman Springs Road will be conveyed to storm water facilities and eventually discharged to adjacent lands or other facilities.

Offsite improvements are mentioned briefly within the Project Description section of the DEIR. These improvements include, but are not limited to, the construction of four debris basins east of Gilman Springs Road, drainage improvements to the east of the Project boundary between Cactus Avenue and Brodiaea Avenue, and interchange improvements along SR-60. The DEIR does not provide a description these improvements nor does it assess the biological impacts associated with the construction and perpetual maintenance of these facilities. Some, if not all of these facility improvements are required to develop the Project, and would be directly related to and constructed in conjunction with the Project, therefore, a biological and environmental impact assessment should be completed and disclosed in the revised DEIR.

All watershed areas, except Watershed E, will contain detention basins to mitigate onsite flows. Watersheds C and D are provided a "spreading area" while

Watersheds C, D, E, and F all contain discharge points at which the flows being conveyed through the Project area will be released onto adjacent properties. The DEIR does not provide information regarding the size, capacity, design, function, or maintenance requirements of the retention and/or detention basins, "spreading area", or discharge points. The DEIR also does not explain how the drainage facilities and discharge points will "...*maintain historical runoff rates and patterns...*" once they exit the Project site, except by stating that drainage systems that discharge into existing downstream facilities would be designed to not exceed existing discharge levels.

The DEIR states that Drainage 9 (referred to as Line "E" in the Hydrology and Water Quality Section of the DEIR) will be protected in its natural state and provided a minimum 25-foot setback from the banks. However, the Hydrology and Water Quality section of the DEIR proposes reinforced concrete box culverts at the Alessandro Boulevard and Brodiaea Avenue crossings and a realignment and improvement of a lateral connecting to this Drainage. The DEIR also states that runoff from north of SR-60 would be routed to this channel. If the intention to preserve this channel is based on its biological values and functions, the Department recommends that this buffer be greatly increased and the addition of any proposed structures be reconsidered.

Overall, the DEIR contains limited information pertaining to impacts associated with the capture of offsite drainages (offsite debris basins), retention of those drainages, and subsequent controlled release of these waters to the adjacent SJWA. It is also unclear whether post-construction onsite storm-water runoff will be released from detention basins to downstream lands. The Department is concerned that State-owned land may be adversely impacted by the compounded point releases of flows that may have normally sheet flowed or traveled within numerous smaller drainages. The Department recommends the DEIR be revised to include specific and detailed plans for all drainage control facilities, including the offsite debris basins and any proposed outlet facilities. The revised DEIR should also disclose and analyze impacts associated with these facilities, and provide appropriate mitigation to offset impacts.

Water Quality

The DEIR does not provide sufficient information for the Department to review the potential impacts of the Project on water quality. The Department is particularly concerned with the impact of the Project on surface waters flowing offsite into the SJWA and Mystic Lake. The discussion of water quality in the DEIR focuses on future compliance with the NPDES and General Construction permit process. Deferred analysis of Project impacts is not sufficient and compliance with State laws regarding water quality does not preclude impact(s). The revised DEIR should include specific analysis of anticipated water quality impacts or assume impacts and propose specific mitigation. The deferred

analysis included in the DEIR does not disclose impacts. Furthermore, all future projects constructed subject to the specific plan will require subsequent CEQA analysis.

Buffer and Setback Areas

Throughout the DEIR, the approximate 910 acres of State-owned land adjacent to the southern boundary of the Project area is referred to as the "CDFW Conservation Buffer Area." The DEIR states that *"the CDFW Conservation Buffer Area was originally purchased by the State to provide a buffer between SJWA/Mystic Lake and future development within the Moreno Highlands Specific Plan."* Although the acquisition of the lands broadened the area between potential future developments and recreational uses at the then northern border of the SJWA, providing a buffer was not the sole purpose of the acquisition. Lands that comprise the "CDFW Conservation Buffer Area" include agricultural properties that were purchased by the CDFW from individual land owners through grants attained under the Safe Neighborhood Parks, Clean Water, Air & Coastal Protection Bond Act (Prop 12). The lands were purchased by the CDFW and incorporated into the SJWA to expand the existing wildlife area, provide upland refuge for SKR during flooding events at Mystic Lake, and to contribute toward the preservation of a wildlife corridor between the SJWA and the Badlands. The Department agrees that these lands should be rezoned/designated as Open Space; however, the lands cannot be used to offset impacts associated with development of the Project, provide for the Project's open space requirements, provide a setback/buffer from the Project, or to mitigate/minimize impacts resulting from the Project.

The Specific Plan provides for a 400-foot setback along the southern boundary of the Project, adjacent to the SJWA, which includes a 250-foot development setback and a 150-foot building setback. The 250-foot development setback is proposed to include landscape areas, drainage and water quality facilities, barriers (walls and fencing), maintenance access drives, and other related uses. As this area includes maintained, engineered facilities required by the development, it cannot be considered as a setback or buffer from development. Rather, it should be considered a component of the development.

As the Department previously stated, the DEIR does not provide sufficient information on potential impacts to species, habitat, and the SJWA itself, from fuel management, water quality, lighting, noise, trash, predation effects, vector control, and GHG emissions. To help mitigate these impacts the Department recommends that the Project provide a minimum 250-meter natural/undeveloped buffer within its own development footprint. The 250-meter setback/buffer area should not contain any manufactured structures, such as detention and water quality basins, walls and fences, or irrigated landscaping.

LAPM, BUOW, and Sensitive Plants

Mitigation measures 4.4.6.2A, 4.4.6.4C, and 4.4.6.4E describe proposed relocation efforts planned for sensitive plants, LAPM, and BUOW. The measures propose that these species be relocated onsite, within the 250-foot setback area, and that the area be considered a conservation area for plant or animal species that need to be relocated due to development of the Project. However, the DEIR also states that the 250-foot setback area may be used for, "*landscaping, drainage and water quality facilities, fences and walls, maintenance access drives, and similar related uses.*" The DEIR also proposes that the 250-foot buffer area will provide mitigation for indirect impacts of air pollutants on adjacent wildlife. The Department is very concerned with the appropriateness of these mitigation proposals. The 250-foot setback area cannot be used as described above, and also serve as a relocation and conservation area for sensitive species.

Air Pollutants

The DEIR states that, "*The 250-foot setback ...and the presence of the CDFW Conservation Buffer Area, will effectively mitigate potential indirect impacts of air pollutants...on wildlife within the SJWA.*" As stated previously, the State-owned SJWA cannot serve as mitigation for Project impacts. Potential indirect impacts on wildlife and habitats associated with the SJWA should be fully disclosed, assessed, and mitigated within the Project's boundary, and not deferred to the adjacent state-owned wildlife area.

Cumulative Impacts

The Project is proposed in a rapidly developing region of southern California. The regional scarcity of biological resources may increase the cumulative significance of Project activities. Cumulative effects analysis should be developed as described under CEQA Guidelines Section 15130. Cumulative impacts analysis should include the Project's contribution to greenhouse gas emissions and impact on regional air quality. Please include all potential direct and indirect project related impacts to streambeds, riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors, wildlife foraging habitats, or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis.

Alternatives Analysis

The CEQA document should analyze a range of alternatives which would avoid or otherwise minimize impacts to sensitive biological resources. The DEIR analyzed six project alternatives including: 1) No Project/No Build; 2) No Project/Existing General Plan; 3) Alternative 1: Reduced Density; 4) Alternative

2: Mixed Use A; 5) Alternative 3: Mixed Use B – MHSP with logistics warehousing; and 6) Alternative Sites. Although these alternatives were analyzed, none of the options focused on reducing impacts to biological resources. Alternative 1: Reduced Density option decreases the logistics warehousing development from 41.6 million square feet (msf) to 29 msf, but does not reduce the Project footprint or increase open space areas. Mixed Use A (Alternative 2) maintains the same acreage of impact as the proposed project, but provides for other uses including light manufacturing, retail commercial, and professional offices. Mixed Use B (Alternative 3) is nearly identical to the No Project/Existing General Plan alternative with the exception of swapping 603 acres of business, retail, institutional, and other uses for logistics warehousing. In the Department's opinion the DEIR fails to propose and analyze a full range of alternatives, and as such, the Department is unable to fulfill its obligations as a Trustee Agency.

The Department considers Rare Natural Communities as threatened habitats, having both local and regional significance. Thus, these communities should be fully avoided and otherwise protected from Project-related impacts. The CEQA document should include an evaluation of specific alternative locations with lower resource sensitivity where appropriate. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitat should be addressed.

Please note that the Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.

Department Recommendations

The Department has the following concerns about the Project, and requests that these concerns be addressed in a revised DEIR:

1. The revised DEIR should include current biological data based on all available information. The Department recommends that the Project applicant/Lead Agency consult with staff from the Department (including SJWA land management) and MSHCP to obtain species occurrence information, assist in the identification of cumulative impacts, and to aid in the development of appropriate avoidance, minimization, and mitigation measures. If sensitive species may occur within the project area, species specific surveys, conducted at the appropriate time of year and time of day, should be included in the revised DEIR. Acceptable species specific surveys have been developed by the Department, and by the U.S. Fish and Wildlife Service, and are accessible through each agencies websites.

2. The Department recommends that the JD be revised to include all jurisdictional areas per the CWC's definition of *Waters of the State*. Subsequent to the revision of the JD, the revised DEIR should reevaluate the impacts to the streambeds, including potential indirect impacts both upstream and downstream of the Project area, and provide appropriate avoidance, minimization and mitigation measures for the impact to, and/or loss of streambeds and their associated habitats. The analysis in the revised DEIR should satisfy the requirements of the Department's Lake and Streambed Alteration Program and CESA (if deemed necessary).
3. The Department recommended analysis of several potential impacts to wildlife resources on the adjacent SJWA and Lake Perris Recreation Area in its March 22, 2012 NOP comment letter. Topics suggested for analysis included: light, noise, trash, emissions, habitat connectivity, fuel modification, vector control, and runoff. These topics were not adequately identified and analyzed in the DEIR. The Department recommends the DEIR be revised to include these topics, and that further focused analysis and studies, including additional topics listed in this letter, be conducted to determine the impacts resulting from the Project. Appropriate minimization and mitigation measures should also be identified in the revised DEIR to offset these impacts.
4. To reduce impacts to adjacent open space areas, the Department recommends the Project incorporate a 250-meter setback area along its southern boundaries, and within Project's footprint, where the Project abuts open space areas (including the SJWA). The Department reiterates that the setback area should be independent of any State-owned lands. The revised DEIR should not refer to the SJWA as a "CDFW Conservation Buffer Area", nor should it defer its mitigation obligations or compensatory measures to the SJWA or other adjacent open spaces lands.
5. The DEIR should be revised to incorporate appropriate, species-specific mitigation measures to address potential impacts to species and habitat. Specifically, revisions should address the mitigation measures proposed for Los Angeles pocket mouse, Burrowing Owl, and sensitive plants.
6. The revised DEIR should provide a thorough analysis of direct, indirect, and cumulative impacts and identify specific measures to offset such impacts. As previously stated, the revised DEIR should include all potential direct and indirect project related impacts to streambeds, riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors, wildlife foraging habitats, or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space,

and adjacent natural habitats. The cumulative impacts analysis should also include an assessment of the Project's contribution to GHG emissions and regional air quality.

7. The revised DEIR should analyze a range of fully considered and evaluated alternatives to the Project (CEQA Guidelines Section 15126.6). It is the Department's opinion that the DEIR currently fails to propose and analyze a full range of alternatives, and as such the Department is unable to fulfill its obligations as a Trustee Agency.

In summary, the Department requests that the revised DEIR include current information regarding biological resources, an updated JD and impact analysis for State Waters, assessments and studies to determine the impacts to surrounding lands and associated species, appropriate mitigation measures, a thorough analysis of cumulative impacts, and an analysis of a broader range of Project alternatives. If you should have any questions pertaining to these comments, please contact Kimberly Freeburn Marquez at (909) 945-3484.

Sincerely,



Jeff Brandt
Senior Environmental Scientist

cc: State Clearinghouse, Sacramento